

Message Text

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TO SECSTATE WASHDC PRIORITY 3903

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TAGS: MARR, JA, TECH

SUBJECT: MIDWAY TRIALS

FOLLOWING SENT ACTION CINCPACFLT INFO COMSEVENTHFLT CTF SEVEN
SEVEN CTG SEVEN SEVEN PT FOUR USS MIDWAY NAVJAG WASHDC
NAVINVESERVOFF JAPAN NAVLEGSEVOFF YOKOSUKA COMUSJAPAN FUCHU
AMEMB TOKYO FROM COMNAVFORJAPAN AUG 131010Z REPEATED FOR YOUR
ACTION

QUOTE

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MIDWAY TRIALS

1. FOLLOWING IS CURRENT UPDATE REPORT ON MIDWAY UA TRIALS.
2. CASE OF US V HAMMOND PROCEEDED TO EXTENUATION AND MITIGATION
PHASE AFTERNOON OF 13 AUGUST 74 BEFORE MILITARY JUDGE ALONE WITH
SIX MEMBERS OF JAPANESE PRESS PRESENT, INCLUDING REPRESENTATIVES
FROM KYODO NEWS SERVICE, ASAHI SHIMBUN, YOMIURI AND SHUKAN POST.

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ACCUSED DURING HIS TESTIMONY IN OWN BEHALF RESPONDED TO ATTORNEY
COATES QUESTION CONCERNING REASON FOR MISSING MOVEMENT OF MIDWAY
14 JUN 74 THAT HE WAS CONCERNED WITH RACIAL DISCRIMINATION, MALT-
REATMENT IN BRIG ABOARD MIDWAY, AND THAT HE KNEW OF HIS
OWN PERSONAL KNOWLEDGE THAT MIDWAY CARRIES NUCLEAR WEAPONS.
HE WAS AWARE OF THIS BECAUSE OF THE GENERAL QUARTERS STATION TO
WHICH HE IS ASSIGNED. THE COURT RECESSED.

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3. SHORTLY THEREAFTER, THE COURT RESUMED IN OPEN SESSION BUT WITH

NO JAPANESE MEDIA REPRESENTATIVES PRESENT. THE MILITARY JUDGE INSTRUCTED THE ACCUSED THAT IF WHAT HE HAD TESTIFIED TO WERE TRUE, HE COULD BE PROSECUTED FOR VIOLATING FEDERAL SECURITY LAWS, AND BECAUSE OF THE SECURITY TREATY WITH THE JAPANESE, COULD POSSIBLY BE SUBJECT TO PROSECUTION BY JAPANESE AUTHORITIES. THE JUDGE FURTHER STATED THAT HE ASSUMED THAT THE DEFENSE COUNSEL KNEW THAT HIS CLIENT WOULD RESPOND TO HIS QUESTION WITH CLASSIFIED MATERIAL, THAT HE THE JUDGE CONSIDERED THAT ALLOWING THIS TO HAPPEN WAS UNETHICAL AND THAT THE JUDGE INTENDED TO REPORT IT THROUGH PROPER CHANNELS. THE JUDGE INQUIRED OF MR. COATES WHETHER HIS CLIENT HAD A CLEARANCE FROM ANY MILITARY OR GOVERNMENT AGENCY TO TESTIFY ABOUT THESE MATTERS, TO WHICH MR. COATES REPLIED

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THAT HE KNEW ON NONE. THE JUDGE THEN DIRECTED THE TRIAL COUNSEL TO INQUIRE OF THE CONVENING AUTHORITY (COMMANDING OFFICER OF USS MIDWAY) WHETHER A SPECIAL CLEARANCE COULD BE OBTAINED FOR MR. COATES, AND EWHETHER THE CONVENING AUTHORITY WOULD GRANT PERMISSION FOR DISCUSSION OF CLASSIFIED MATTER SURROUNDING THIS ISSUE. PROCEEDINGS WERE CONTINUED UNTIL SUCH TIME AS TRIAL COUNSEL CAN REPORT BACK TO THE JUDGE.

4. IT NOW APPEARS APPARENT THAT THE ATTENDANCE OF THE SIX JAPANESE MEDIA REPRESENTATIVES WAS FOSTERED BY DEFENSE COUNSEL COATES FOR THE SPECIFIC PURPOSE OF ALLOWING HIS CLIENT TO BE HEARD ON THE SUBJECT OF NUCLEAR WEAPONS. ANTICIPATE SIGNIFICANT COVERAGE OF ABOVE PROCEEDINGS IN A.M. 14 AUG JAPANESE PRESS.

5. AS A RELATED MATTER, HAMMOND SUBMITTED LETTER OF COMPLAINT OF WRONG VIA CHAIN OF COMMAND ON 25 JUNE 74 UNDER PROVISIONS OF ARTICLE 138 UCMJ, SUBMITTING ALLEGED GRIEVANCES REGARDING THE BRIG ABOARD USS MIDWAY, WORKING HOURS, RACIAL DISCRIMINATION, OPPRESSIVE ACTIONS BY COMMANDS, THAT MIDWAY MIDWAY AID IN OBTAINING A INVESTIGATION AND TRIAL BY COURT-MARTIAL VICE ARTICLE 15 FOR HIS OFFENSES OF MISSING MOVEMENT. COMPLAINT WITH ENDORSEMENT BY CO MIDWAY AND ORIGINATOR IS BEING FORWARDED TO SECNAV VIA CINCPACFLT AND JAG.

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